

### **REMARKS**

The Advisory Action of May 30, 2006, has been considered by the Applicants. Claims 1 and 16 have been amended. Claims 2-4 and 17-19 have been cancelled. Claims 1, 5-16, and 20-32 are pending. Reconsideration of the Application is requested.

The rejection of claims 1-12, 16, 17, 19-27, and 30-32 over Fuller and Deubzer was maintained. Applicants traverse the rejection.

As Applicants have previously argued, the mere fact that the references can be combined is not sufficient to establish obviousness. MPEP § 2143.01(III). Applicants again submit that there is no motivation to combine the references.

Fuller uses an acid catalyst, BTHF, to catalyze his reaction. Deubzer prefers basic catalysts that are aminosilanes because the aminosilanes can be incorporated into the organopolysiloxane shell of his invention. See col. 4, lines 25-41. This reason does not apply to the instant claims. Furthermore, Deubzer explicitly teaches that in order to use his catalysts, the solvent cannot be water-miscible. See col. 3, lines 55-65. Both pyridine and tetrahydrofuran are known to be miscible with water. Fuller, in his Example 3, uses tetrahydrofuran, methanol, and water as solvents. These solvents explicitly contradict Deubzer's teaching. Therefore, Deubzer teaches away from using the recited combination of basic catalyst and solvent. Applicants request withdrawal of the 103(a) rejection over Fuller and Deubzer.

The rejection of claims 1-14, 16, 17, 19-22, and 28-32 over Fuller and Pinschmidt, Jr. was maintained. Applicants traverse the rejection.

Pinschmidt, Jr. teaches that his reaction proceeds best within a pH range of 3 to 7, and at most a range of 3.0 to 8.0. See col. 5, lines 50-65. However, the  $pK_b$  of pyridine is about 8.7 and the  $pK_b$  of THF is about 16. These solvents would not fall within the pH teaching of Pinschmidt, Jr. In addition, Pinschmidt, Jr. teaches an acidic pH range. In other words, he also prefers the use of acid catalysts. For this reason, Applicants submit that there is no motivation for the use of a basic catalyst by either

Fuller or Pinschmidt, Jr. Applicants request withdrawal of the 103(a) rejection over Fuller and Pinschmidt, Jr.

Please note above that both secondary references teach away from the use of the recited solvents. This amendment therefore fully responds to the Examiner's objections.

The rejection of claim 1-14, 16, 17, 19-22, and 28-32 over Fuller in view of Sato was maintained. Applicants traverse the rejection.

In the prior Amendment filed January 9, 2006, Applicants made specific arguments directed to this rejection. The Examiner has not responded these arguments.

The Examiner previously stated that Sato is relied upon simply for its teaching of solvents (i.e. pyridine) suitable for use in similar reactions. Sato does not teach the use of pyridine as a solvent; he teaches the use of pyridine as a catalyst between two specific reactants. Neither reactant is similar to poly(vinylbenzyl acetate) and the Examiner has not shown where Fuller or Sato explains how a catalyst suitable for those reactants is suitable for poly(vinylbenzyl acetate). Also, a solvent and a catalyst perform different functions and the recitation of pyridine as a catalyst would not suggest its use as a solvent to one of ordinary skill in the art. Therefore, the combination of Fuller and Sato would not render obvious the instant claims.

For these reasons, Applicants request withdrawal of the rejection based on Fuller combined with Sato.

### **CONCLUSION**

For the reasons given above, Applicants submit the pending claims (1, 5-16, and 20-32) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, she is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 24-0037.

Respectfully submitted,

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& McKEE LLP



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